

R E M A R K S

Claims 1 through 18 are in the application, with Claims 1, 12 and 17 being independent.

The pending claims are subject to a restriction requirement. In particular, the Office Action groups the claims into Claims 1 through 16 (Group I), and Claims 17 and 18 (Group II). Election of one of these Groups is required because the Groups are alleged to be distinct.

In response to the restriction requirement, Applicant provisionally elects Claims 1 through 16. Examination and allowance of the elected claims are respectfully requested.

This provisional election is made with traverse. Applicant requests reconsideration of the restriction requirement in light of the following arguments, and pursuant to 37 CFR §1.143. As grounds for traversal, Applicant believes that Groups I and II are not distinct from one another.

Restriction is proper only where an application contains claims directed to two or more independent or distinct inventions. The Office Action alleges that the present claims reflect a combination (Group II) and a related subcombination (Group I) that meet the criteria for distinctness set forth in MPEP 806.05(c). However, Applicants submit that Group I and Group II represent a subcombination and a combination as described in MPEP §806.05(c)II. (“Subcombination Essential to Combination”). In this regard, the separately claimed subcombination of Group I “constitutes the essential distinguishing feature of the combination” of Group II. In other words, the combination of Group II would not be separately patentable without the features (i.e., the subcombination) of Group I. Restriction therefore “must not be made” between Group I and Group II.

Since the Group I and Group II claims are not distinct under MPEP §806.05(c)II., restriction between these Groups is believed to be improper.

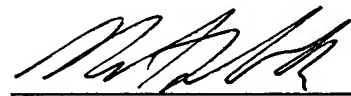
CONCLUSION

Applicant therefore requests withdrawal of the outstanding restriction requirement and examination of Claims 1 through 18 on the merits. In this regard, Claims 1 through 18 are believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

If there remains any question regarding the present application, or if the Examiner has any suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact the undersigned via telephone at (203) 972-0049.

Respectfully submitted,

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Date



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